

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

ABHIJIT DAS, a.k.a. “Beej” Das

Defendant.

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Case No. 23-CR-10160-AK

DEFENDANT’S ASSENTED TO MOTION TO CONTINUE PRETRIAL CONFERENCE

The defendant respectfully moves the Court to continue the final pre-trial conference presently scheduled on October 1, 2024.

In support hereof the defendant respectfully says that on July 30, 2024, the undersigned, along with co-counsel Dean A. Elwell, filed a motion to withdraw appearance of counsel for the defendant. On August 5, 2024, Hon. M. Page Kelley entered an order rescheduling the final pre-trial conference and deferring ruling on counsels’ motion to withdraw until successor counsel had entered an appearance on behalf of the defendant.

On September 11, 2024, the undersigned, the defendant’s current counsel, granted defendant access to defendant’s case file. This included the government’s automatic discovery, containing over eight gigabytes of documents, records, emails and other items that were electronically extracted from the defendant’s emails and servers and defendant’s former client’s files (much of which the government presumably intends to offer into evidence at trial).

Defendant has been in active discussions with two sets of successor counsel with the aim of retaining one of them. Both sets of counsel had advised defendant that the Court’s docket and information available therein did not adequately reveal the amount of work that would be necessary to prepare the record for trial. Accordingly, defendant was advised that an accurate retainer and

retention fee to represent defendant at trial would be subject to a review of the case files maintained by defendant's current counsel.

Given that prospective successor counsel have barely had an opportunity to review the electronic information provided to the defendant earlier this month, final agreement between defendant and counsel has not yet been reached. On September 12, 2024, AUSA Gallagher advised the Leonardo T. Viera, Courtroom Deputy to Hon. M. Page Kelley that the case status "is that Mr. Das needs to retain a new attorney." That remains the status.

A short continuance of the pre-trial conference will serve the ends of justice and is necessary for prospective counsel to adequately and effectively review the record and provide defendant a viable representation consistent with the Sixth Amendment's requirement that criminal defendants be afforded the right to effective assistance of counsel.

Defendant seeks a continuance of the pre-trial conference for a period of two weeks. The undersigned contacted AUSA Neil Gallagher to seek the government's position on the instant motion, and the government assents to it.

The defendant respectfully requests that this Court continue the pre-trial conference for two weeks in the interest of justice and to allow for the defendant to retain successor counsel.

By defendant's attorney,

s/ Glenn A. MacKinlay
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Date: September 30, 2024

Certificate of Conference

Pursuant to Local Rule 7.1, I hereby certify that the parties conferred in good faith to attempt to resolve or narrow the issues presented by this motion. The Government in this matter opposes the relief requested herein.

s/ Glenn A. MacKinlay
Glenn A. MacKinlay

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

s/ Glenn A. MacKinlay
Glenn A. MacKinlay